

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MURTAZA ALI,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-14-1174-C
)	
JUSTIN JONES, et al.,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff brought the present action pursuant to 42 U.S.C. § 1983, seeking recompense for alleged violations of his constitutional rights. Consistent with the provisions of 28 U.S.C. § 636(b)(1)(B), this action was referred to United States Magistrate Judge Gary M. Purcell. Judge Purcell entered a Second Supplemental Report and Recommendation (“R&R”) on August 31, 2015, to which Plaintiff timely objected.

The R&R under consideration rejected Plaintiff’s request to certify a class. Plaintiff argues that the Court’s ruling is inconsistent with the recent denial of his request for appointment of counsel. According to Plaintiff, if the case is too complex for him to act as representative then it is so complex that he should be appointed counsel. Plaintiff misapprehends the nature of the R&R and the reasons for denying his request for appointment of counsel. As Judge Purcell noted, a non-lawyer cannot bring an action on behalf of another person. Thus, this matter cannot proceed as a class action at this time. This determination is not inconsistent with the determination that Plaintiff is capable of presenting his claims without the benefit of counsel at the present time.

As set forth more fully herein, the Court adopts, in full, the Second Supplemental Report and Recommendation of the Magistrate Judge (Dkt. No. 38). Plaintiff's Motion to Certify Class, Under Fed. R. Civ. P. 23 (Dkt. No. 35) is DENIED. The matter is again referred to Judge Purcell consistent with the original Order of Referral.

IT IS SO ORDERED this 25th day of January, 2016.



ROBIN J. CAUTHRON
United States District Judge